

REMARKS

Claims 1, 17, 19, 23 and 27-36 are pending. Claims 1, 17, 19, and 23 are rejected. Claims 2-16, 18, 20-22, and 24-26 are canceled without prejudice. Non-elected claims 27-36 are withdrawn.

Claims 1, 27 and 28 are amended. Withdrawn claims 27 and 28 are amended, expecting rejoinder upon allowable claims, as previously requested.

The Examiner deemed Applicants' arguments under 35 U.S.C. §102(b) against Tomita considered but moot in view of the new rejection.

Applicants respectfully request reconsideration for the following reasons.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 1, 17, 19 and 23 are rejected under 35 U.S.C. § 103 as obvious over Rajagopalan in view of Huynh.

The Examiner states

[I]t would have been obvious to one skilled in the art to substitute the R₃, R₄ aroxy groups (not excluding polyhydroxyaryl) of Huynh et al. for the R⁹ and R¹⁰ groups for the compounds of Rajagopalan et al. [because] a.) there are a finite number of substituents listed for R₃, R₄ of Huynh et al., b.) the compounds of both disclosures have equivalent core ring structures where the substituents (R₃, R₄ of Huynh et al. and R⁹ and R¹⁰ groups of Rajagopalan et al.) are attached at the same carbon of the core ring structure and c.) both disclosures are drawn to the same utility, such as preparation of cyanine dyes. The substitution . . . would yield predictable results, such as generation of new cyanine dyes.

Rajagopalan et al. teaches that R⁹ and R¹⁰ may be defined in the same manner as R³ and therefore at the time of the invention it would also have been obvious to one skilled in the art to utilize the aroxy groups (not excluding polyhydroxyaryl) for the R³ group as well as the R⁹, R¹⁰ groups of Rajagopalan et al.

Amended claim 1 deletes C5-C20 polyhydroxyaryl. Thus, the Examiner's reliance on Huynh's "R₃, R₄ aroxy groups", as a substitution for Rajagopalan's R⁹ and R¹⁰ groups, in order to combine Rajagopalan and Huynh, is overcome. Applicants believe the rejection is overcome and respectfully request its withdrawal.

CONCLUSION

Applicants believe the application is in complete condition for allowance. Other than the fee to Request Continued Examination, no other fees are believed due but, if fees are deemed necessary, the Office is authorized to charge them to Deposit Account No. 20-0809.

The Examiner is invited to contact Applicants' representative with questions.

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Respectfully submitted,
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